

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ISRAEL PERL,	:	
	:	
Plaintiff,	:	11 Civ. 7347 (KBF)
	:	
-v-	:	ORDER
	:	
AMERICAN EXPRESS,	:	
	:	
Defendant.	:	
-----X	:	

KATHERINE B. FORREST, District Judge:

On March 7, 2012, in response to plaintiff's request for a Clerk's Certificate of Entry of Default (Docket No. 10), this Court directed plaintiff to serve a copy of its January 19, 2012 Memorandum and Order – in which this Court determined that plaintiff's Count I survived dismissal – on defendant, and to file an affidavit of service with the Court, within 15 days. (Docket. No. 11.)

To date, plaintiff has not filed an affidavit of service or otherwise indicated that he has served defendant with a copy of the January 19, 2012 Memorandum and Order. Accordingly, on April 11, 2012, this Court directed plaintiff to advise the Court in writing why he had failed to serve that Memorandum and Order, consistent with the Court's March 7, 2012 Order. (Docket No. 12.) The Court further stated that if it did "not receive any written communication from plaintiff within 15 days . . .

showing good cause why such service was not made, the Court will dismiss the case." (Id. at 2.) Plaintiff was, thus, put on notice that failure to show good cause would result in dismissal of his case for failure to prosecute.

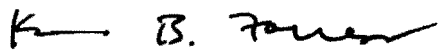
Despite that notice, the Court has not heard from plaintiff to date, showing good cause for his failure to serve defendant or otherwise.<sup>1</sup> Thus, in accordance with its April 11, 2012 Order, the Court hereby DISMISSES this case for failure to prosecute, pursuant to Federal Rule 41.

The Clerk of Court is directed to close this case and terminate the motion for a Clerk's Certificate of Entry of Default at Docket Number 10.

The Court also certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal.

SO ORDERED:

Dated: New York, New York  
May 7, 2012

  
KATHERINE B. FORREST  
United States District Judge

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<sup>1</sup> The Court sent both its March 8 and April 11 Orders to plaintiff at the address listed on the docket. In other of plaintiff's related cases, he has responded to a Court order mailed to that address.